

**PERFORMANCE WORK STATEMENT (PWS)****FOR****National Environmental Policy Act (NEPA) and Other Environmental Review Support Services****1. BACKGROUND:**

The Department of Energy (DOE) is required to comply with the National Environmental Policy Act (NEPA) to fulfill its mission objectives. NEPA, the Nation's basic charter for environmental protection, requires federal agencies to consider the potential environmental impacts of their proposed actions. NEPA promotes better agency decision making by ensuring that high-quality environmental information is available to agency officials and the public before the agency decides whether and how to undertake a major Federal action.

**2.0 SCOPE/OBJECTIVES:**

This Blanket Purchase Agreement (BPA) is intended to provide onsite and offsite non-personal contractor support services to the U.S. Department of Energy (DOE), the National Nuclear Security Administration (NNSA) and other DOE programs for the preparation of environmental impact statements (EISs), environmental assessments (EAs), and related documents to comply with the National Environmental Policy Act (NEPA), to ensure America's security and prosperity by addressing its energy, environmental and nuclear challenges through transformative science and technology solutions.

NNSA is a semiautonomous agency within DOE whose missions include stewardship of the U.S. nuclear weapons stockpile, powering the nuclear Navy, emergency response, preventing nuclear proliferation, and countering nuclear terrorism.

Contractor support services under this BPA also may be used to assist DOE in other environmental tasks conducted in conjunction with or separately from the NEPA process. These include, but are not limited to:

- Preparing floodplain and wetland assessments in accordance with 10 CFR Part 1022;
- Under the Clean Water Act, applying for a Section 404 permit for discharge of dredged or fill material or a National Pollutant Discharge Elimination System permit for discharging pollutants, identification, and delineation of jurisdictional wetlands, conducting stormwater pollution prevention planning, and developing best management practices to assist with compliance with Section 402;
- Under the National Historic Preservation Act, identifying historic and cultural resources, assessing impacts, consulting with a State or Tribal Historic Preservation Officer, and resolving adverse impacts by mitigation;
- Under the Endangered Species Act, preparing a biological assessment or evaluation, assessing impacts and ecological risk, consulting with the U.S. Fish and Wildlife Service

or National Marine Fisheries Service, and developing a management plan for threatened or endangered species;

- Conducting biological surveying and monitoring and environmental inspections in compliance with the Bald and Golden Eagle Protection Act, Clean Water Act, Endangered Species Act, Migratory Bird Treaty Act, and other applicable laws and regulations, and conducting biological evaluations of special status species including Bureau of Land Management (BLM) Sensitive Species, Forest Service (FS) Sensitive Species, FS Species of Local Concern, and species designated by states as Endangered Species, Sensitive Species, Species of Concern, Threatened Species, and other such designations;
- Evaluating impacts related to environmental justice such as discussed in Executive Orders 12898 and 14008;
- Analyzing greenhouse gas emissions, the social cost of greenhouse gases, and related mitigation and resilience;
- Incorporating NEPA “values” (such as analysis of cumulative, offsite, ecological, and socioeconomic impacts) to the extent practicable into documents prepared under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA);
- Preparing safety and health studies and documentation related to DOE proposed actions; and
- Preparing environmental reports required by the Nuclear Regulatory Commission (NRC) in its review of license applications.

The requirements and deliverables sections of this PWS are expressed generally. An Ordering Contracting Officer (OCO) for an organization issuing an Order under this BPA will provide specific provisions, requirements, and guidance applicable to the NEPA document or other environmental task.

2.1 EIS and EA preparation requires an interdisciplinary approach. NEPA analyses require expertise in modeling and statistics. The required areas of professional expertise include, but are not limited to: surface water and groundwater hydrology, floodplain and wetland issues, air quality, climate change, biological resources, cultural and historic resources, visual resources, land use, recreation, geology and soils, seismicity, socioeconomics, environmental justice, traffic/transportation safety, occupational and public health and safety, radioactive and chemical contaminant transport, health physics, risk analysis, accident analysis, and analysis of intentional destructive acts (terrorism, sabotage).

2.2 Potential subjects of DOE’s future project specific and programmatic NEPA documents that reflect DOE’s diverse missions, include but are not limited to:

- Production, transportation, storage, treatment, and disposal of radioactive and hazardous materials and waste;
- Environmental remediation and restoration;

- Spent nuclear fuel management, including transportation and storage;
- Construction and operation of accelerator and synchrotron facilities, laboratory facilities;
- Construction and operation of small modular nuclear reactors;
- Renewable energy activities (such as wind (on land and offshore), solar, bioenergy, hydroelectric, and geothermal);
- Innovative energy technologies;
- Oil and gas activities, including strategic petroleum reserves and export of liquefied natural gas;
- Carbon sequestration;
- Construction and operation of electric transmission lines; support for Smart Grid initiatives; granting of Presidential permits for transborder transmission lines;
- Disposition of land and facilities;
- Construction, operation, and maintenance of hydroelectric facilities; and
- Site-wide multiprogram analyses of major DOE sites.

### 3.0 TECHNICAL REQUIREMENTS, GUIDANCE, and APPLICABLE DOCUMENTS

All NEPA documents must comply with applicable regulations issued by the Council on Environmental Quality (CEQ) (40 CFR 1500–1508) and by DOE (10 CFR Part 1021) and shall be consistent with applicable guidance issued by CEQ, DOE, and other agencies. CEQ and DOE NEPA regulations and guidance are available on the DOE NEPA Website at <https://www.energy.gov/nepa/nepa-guidance-requirements>. Preparation of other environmental documents, and work on other environmental tasks, must comply with the requirements applicable to those tasks and be consistent with applicable guidance.

An Order will include or incorporate by reference the following:

- A list of relevant technical requirements, applicable guidance, and related completed and ongoing NEPA documents;
- Procedural documents applicable to the task (e.g., the ordering office’s scoping procedures, list of stakeholders, and public participation plan); and
- Performance standards specific to the task (e.g., an EIS or EA checklist to be used in tracking the completeness of the document, a style guide to be used for deliverables, and basic acceptance criteria (section 6, below)).

The Order will specify a schedule for the contractor’s deliverables that accommodates DOE mission needs or will specify how the schedule will be developed. The Order will specify the timing of periodic status meetings between DOE and the contractor during performance of the task.

The contractor shall provide the following for an Order, as applicable:

**3.1 Disclosure statement:** The contractor shall submit to the OCO and Contracting Officer’s Representative (COR) a disclosure statement as required by NEPA regulations before beginning work on any EIS. The contractor shall also submit to the OCO and COR a disclosure statement

for an EA or other environmental task. If the contractor decides that the appearance of a conflict of interest is possible or that a conflict exists, the contractor shall describe the circumstances or conditions that create the conflict or appearance of conflict, and any mitigating measures the contractor intends to implement to resolve the conflict or the appearance of a conflict. If the OCO determines that no mitigation will adequately address the conflict, the contractor will not be assigned to that particular task. The contractor shall also assure that each proposed subcontractor for the particular task has submitted a disclosure statement to DOE.

**3.2 Software:** For deliverable documents, the contractor shall use software specified in the Order. The Order may identify additional software required for the task performance.

**3.3 Detailed work plan:** An Order for the preparation of an EIS or EA, shall specify whether an annotated outline that identifies the topics to be analyzed in greater or lesser detail shall be provided by DOE to the contractor, the contractor shall prepare it for DOE review, or DOE and the contractor shall prepare it jointly. For an Order for the preparation of an EIS or EA, the contractor shall prepare a detailed work plan that identifies how each task element will be addressed in the document and includes a preliminary schedule. The COR will verify that all elements of the Order are identified and appropriately addressed in the detailed work plan. Upon approval of the detailed work plan by the COR, the contractor shall comply with the work plan. The COR will review the detailed work plan again at delivery of the preliminary draft document and the preliminary final document and direct the contractor regarding any needed revision. For environmental tasks other than preparing an EIS or EA, the Order may specify that a detailed work plan is required.

**3.4 Impact analysis:** The Order may direct the contractor to identify and analyze the potential environmental impacts of a proposal and its alternatives. This may include interpreting scoping information, including public comment results; interpreting public comments on a draft EIS or EA; conducting literature searches; interviewing experts; conducting desktop surveys and analysis; conducting field work; interpreting surveys and samples; modeling; preparing graphics; and documenting such research and analysis.

**3.5 Data quality:** The contractor shall coordinate with the COR on acceptable levels of data analysis and on assumptions, analytical methods, and modeling. Prior to commencement of work, the contractor shall submit a quality assurance plan to the COR and obtain the COR's approval of the plan. The plan shall address aspects of the work that may be unique or require particular attention due to the nature of the data or the issues involved. Once the plan is approved, the contractor shall comply with the plan.

**3.6 Existing information:** To promote efficiency, the Order will direct the contractor on maximum use (including incorporating by reference) of existing environmental documents relevant to the analysis. The COR will provide to the contractor, or assist in obtaining, existing information pertinent to a task, such as environmental baseline data. The contractor shall assist DOE in assessing the adequacy and completeness of this information, and shall bring data gaps, omissions, and inconsistencies to the attention of DOE. The OCO may direct the contractor to conduct additional data collection and field studies under a data collection plan approved by the COR and will modify the Order, schedule, and budget as appropriate. The contractor shall

integrate data and analysis supplied by DOE, its management and operating (M&O) contractors, applicants, public comment, as appropriate, and state, tribal, and other federal or contractor personnel who provide input or information in areas of jurisdiction or expertise.

**3.7 Administrative record:** The contractor shall compile, or assist the COR in compiling, an administrative record, including an index, concurrent with developing a NEPA document, using the categorization system specified by the COR and in accordance with applicable records management requirements. The administrative record typically will include, but may not be limited to, documents presented to decision makers, documents that reflect government and stakeholder positions on the potential environmental impacts of the proposal and reasonable alternatives, assumptions, approaches, or conclusions, agency notices and comments; raw data and original field notes; reference documents; studies, model runs, calculations, and supporting analyses; photographs, maps, and other graphics. The administrative record is the property of DOE. The OCO may direct the contractor to transfer the administrative record to DOE at any time during EIS or EA preparation.

**3.8 Consultation support:** The Order may direct the contractor to support DOE by preparing data requests, analyses, documentation, and correspondence for interactions with federal, state, and local agencies, and tribes. This support may include assisting DOE in consulting with agencies regarding compliance with laws, regulations, licensing and permitting, and other requirements (e.g., biological assessments under the Endangered Species Act). The support may include assisting DOE in consulting with tribes concerning land use, treaty, or cultural issues (e.g., programmatic agreements under the National Historic Preservation Act).

**3.9 Public involvement support:** The Order may direct the contractor to support public involvement, such as by conducting routine and special mailings, preparing presentation materials, and providing a toll-free telephone line. The Order may direct the contractor to support public scoping meetings, information meetings, and public hearings, for example, by making arrangements for a physical meeting facility, online meeting, or both; providing publicity, setup, registration, security, handouts, posters, audiovisual, computer, moderator, court reporter, language translator, and takedown services; preparing instructions, statements, and presentation materials for agency officials; and distributing transcripts and comments.

**3.10 Website support:** The Order may direct the contractor to develop and maintain a website. Any websites developed under this contract must satisfy the requirements of Section 508 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 749d) and its implementing regulations and associated standards.

**3.11 Contractor tasks and deliverables** typically arise from the steps of NEPA document development. An Order may specify different steps and deliverables.

- **Scoping:** The Order may direct the contractor to categorize, collate, and assist DOE in analyzing public and agency scoping comments, prepare a scoping report that summarizes all comments received, and modify the annotated outline for the NEPA document.

- **Early Draft:** The Order may direct the contractor to provide drafts of sections for early DOE review (i.e., before an entire draft is complete). The contractor will ensure that reviewer comments are reflected in later deliverables.
- **Preliminary Draft:** The Order may direct the contractor to prepare a preliminary draft EIS or EA for internal DOE review. The contractor shall support the compilation, tracking, and resolution of reviewer comments on the preliminary draft of an EIS or EA and ensure that reviewer comments are reflected in later deliverables.
- **Draft (for approval, then DOE-approved):** The Order may direct the contractor to prepare, for DOE approval review, a draft EIS or EA that includes corrections and revisions based on reviewer comments on the preliminary draft. The contractor shall identify reviewer comments and associated text changes. The contractor shall provide and distribute copies of a draft EIS or EA for DOE approval review at the direction of the COR.
- **Preliminary Final:** The Order may direct the contractor to categorize, collate, and assist DOE in analyzing public and agency comments received on an issued draft EIS or EA. The contractor shall assist in preparing responses to comments, identifying, and drafting needed revisions to the EIS or EA, and conducting further analyses based on those comments. The Order may direct the contractor to prepare a preliminary final EIS or EA that incorporates any additional technical data received after publication of the draft, any revisions resulting from comment on the draft, or other changes.
- **Final (for approval, then DOE-approved):** The Order may direct the contractor to prepare copies of a final EIS or EA for DOE approval review that includes revisions based on comments received on the preliminary final. The contractor shall identify reviewer comments and associated text changes. The contractor shall provide and distribute copies of a final EIS or EA for DOE approval review at the direction of the COR.
- **Record of decision (ROD) or finding of no significant impact (FONSI):** The Order may direct the contractor to support preparation of a DOE ROD for an EIS or FONSI for an EA.
- **Mitigation:** The Order may direct the contractor to identify and describe mitigation measures to avoid, eliminate, reduce, or compensate for environmental impacts; incorporate mitigation plans into the NEPA document; and prepare a draft mitigation action plan for a ROD or FONSI.

**3.12 Electronic files:** The Order may direct the contractor to prepare electronic files of the DOE-approved draft or final EIS or EA suitable for printing and posting online. For a draft or final EIS, the contractor also shall prepare files that comply with all requirements for filing the EIS electronically with the U.S. Environmental Protection Agency (<https://www.epa.gov/nepa/environmental-impact-statement-filing-guidance>). Documents and media intended for electronic publication must satisfy the requirements of Section 508 of the

Rehabilitation Act of 1973 as amended (29 U.S.C. 749d) and its implementing regulations and associated standards.

**3.13 Printed copies and compact disks (CDs):** The Order may direct the contractor to make printed copies and CDs of the DOE-approved draft or final EIS or EA in the number determined by the COR.

**3.14 Public announcement and distribution:** The Order may direct the contractor to assist in preparing news releases, distribution lists, and distribution letters, and to support the distribution of the DOE-approved draft or final EIS or EA. The Order may also direct the contractor to make the approved document and cited reference material available at DOE public reading rooms or other publicly accessible locations.

#### **4.0 GENERAL NECESSARY CONDITIONS**

4.1 All contractor work shall be performed in a manner that protects the environment and assures the safety and health of the public and workers. The contractor shall comply with applicable DOE and site environment, safety, and health requirements.

4.2 The contractor shall comply with DOE and site safeguards and security requirements to obtain entry to DOE facilities and in (consistent with DOE O 471.6) accessing and handling of classified, confidential, or other information. The contractor shall provide personnel who have or are eligible to obtain the appropriate access authorization (Building Access Only, “L” or “Q”) for identified positions, as directed by the OCO. The contractor shall access classified materials at appropriate DOE facilities or maintain a physical protection plan (consistent with DOE O 470.4B, DOE NAP 70.2, or subsequent equivalent requirement) and cyber security plan (consistent with DOE O 205.1C, NAP 14.1-C, NAP 14.2-C, or subsequent equivalent requirements).

#### **5.0 DELIVERABLES**

The type, number, and schedule of deliverables shall be specified in an individual Order. The schedule will be consistent with any applicable requirements, guidance and agency decision making needs. All deliverables shall be provided to the COR for review and approval/acceptance. An Order may specify that the contractor shall provide the following for an EIS, EA, or other environmental task:

5.1 A project management plan, data collection and analysis plan, and quality assurance plan at the beginning of the task, and revisions if directed by the ordering contracting officer.

5.2 Progress and management reports on a regular schedule showing, for each subtask or activity identified in the Order, status of subtask completion, labor hours and costs charged, and percentage of Order funds expended.

5.3 Electronic files, paper copies, and compact disks of: a scoping report, supporting studies, results of model runs, an early draft of portions of a document, a preliminary draft for internal review, a draft for approval review, an approved draft for distribution, draft responses to agency and public comments, a preliminary final for internal review, a final for approval review, and an approved final for distribution.

- 5.4 Draft ROD or draft FONSI, and an associated draft mitigation action plan.
- 5.5 Materials to support, and transcripts and records of, public scoping meetings, hearings, and other public involvement.
- 5.6 Draft distribution lists and transmittal letters.
- 5.7 An administrative record.
- 5.8 Other deliverables as specified in individual Orders.

**6.0 OBJECTIVES, EXPECTATIONS, AND MEASURES**

The contractor shall perform work under an order timely and of high quality; complete and accurate, consistent with requirements and guidance, and comprehensible to the intended audience (i.e., agency decision makers, and technical and general readers).

An Order will specify minimum requirements for the quality of each deliverable. The COR will conduct a thorough review of each deliverable against the minimum standards before determining whether to accept the deliverable as having been provided according to the schedule.

An Order will specify performance standards and metrics that, at a minimum, require the contractor to prepare high-quality deliverables and adhere to the established schedule. The contractor shall be evaluated periodically in accordance with the performance standards and metrics specified in the Order. Failure to meet the performance standards listed in the Order may result in one or more of the following actions at the Government’s discretion:

- Issuance of findings that require a formal corrective action plan;
- Re-performance of task by the contractor without additional compensation;
- Negative ratings in the annual Contractor Performance Assessment Reporting System (CPARS) evaluation, and;
- Termination for default and assessment of damages.

Performance standards that may be included in an Order include, but are not limited to, those listed below.

<b>Performance Objectives</b>	<b>Minimum Performance Standard</b>	<b>Assessment Methods</b>
<b>Timeliness</b>	The contractor provides each deliverable when due. The deliverable is complete (e.g., free of placeholders) unless agreed to in advance by the COR (e.g., for an early draft) and meets document quality standards.	The COR records whether each deliverable is complete and consistent with the schedule.

	<p>The contractor identifies in writing any issues that potentially threaten schedule compliance and possible corrective actions for resolving issues and avoiding delay without undermining quality.</p>	<p>The COR assesses whether issues were raised sufficiently early to avoid impacting schedule attainment and corrective actions were appropriate.</p>
<p><b>Document Quality</b></p> <ul style="list-style-type: none"> <li>• <b>Consistency with requirements</b></li> <li>• <b>Consistency with guidance</b></li> <li>• <b>Proper application of sliding scale</b></li> <li>• <b>Responsiveness to internal comment</b></li> <li>• <b>Responsiveness to public comment</b></li> <li>• <b>Accuracy</b></li> </ul>	<p>Quality, defined in the standards below, is integral to the preparation of each deliverable, not added in through repeated rounds of review and revision.</p> <p>Each deliverable meets the requirements of the CEQ and DOE NEPA regulations.</p> <p>The document reflects applicable guidance.</p> <p>Each deliverable covers content in level of detail commensurate with its importance to the analysis.</p> <p>Each revised deliverable appropriately addresses all comments provided on the prior iteration. Previously identified errors are not repeated.</p> <p>Each deliverable that is based, in part, on public comment appropriately addresses all public comments received.</p>	<p>The COR, in consultation with internal reviewers, assesses the quality of each deliverable using the assessment methods below.</p> <p>The COR uses reviewer comments or other means to verify that required content is appropriately addressed.</p> <p>The COR uses reviewer comments or other means to verify that NEPA guidance was followed.</p> <p>The COR reviews each deliverable against the annotated outline (developed during scoping) that identifies the topics to be analyzed in greater or lesser detail.</p> <p>The COR reviews the revised deliverables against the comments provided to the contractor.</p> <p>The COR reviews the contractor’s completed public comment tracking system and the deliverable to verify that comments are appropriately addressed.</p>

	<p>Each deliverable is consistent with the technical data and analyses, and the deliverable is internally consistent (e.g., among the main body, appendices, and summary).</p> <ul style="list-style-type: none"> <li>• The deliverable is free of technical errors. Cited names of statutes, places, species, and other elements are correct. Values are consistent between text, figures, and tables; in tables, all columns and rows are formatted properly, and totals add up correctly. Footnotes and table notes are cited correctly.</li> <li>• The deliverable is free of typographical, editorial, and grammatical errors (e.g., sentence fragments, incorrect punctuation, misspelled words, incorrect spacing, and inconsistent capitalization).</li> </ul>	<p>The COR reviews each deliverable to check for comprehensive internal consistency.</p>
<ul style="list-style-type: none"> <li>• Readability</li> </ul>	<p>The deliverable* can be understood by the public.</p> <ul style="list-style-type: none"> <li>• Technical and geographic terminology and units of measure are used consistently throughout the summary, chapters, tables, illustrations, and appendices.</li> <li>• All references identified in the text are included in the reference section. All reference citations, including URLs, are complete and accurate.</li> </ul>	<p>The COR ensures that these elements are in the document style guide that the COR provides to the contractor and in any quality assurance plan the contractor provides to the COR, and that the contractor followed the guide.</p>

	<ul style="list-style-type: none"> <li>• All abbreviations and acronyms are included in an explanatory list and written out at first use. The deliverable minimizes use of abbreviations that are not widely understood.</li> <li>• The deliverable consistently uses conditional verbs when describing actions for which decisions have not been made.</li> <li>• The writing style predominantly uses active voice.</li> <li>• The deliverable presents content as though it was prepared by a single author.</li> </ul> <p>* At the discretion of the COR, these factors may not be applied to earlier deliverables.</p>	
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**7.0 MONTHLY STATUS REPORT**

The contractor shall submit a monthly status report to the Master BPA COR on the 5<sup>th</sup> of each month, that includes at a minimum a detailed aggregate of the overall status of all active BPA Orders.

**8.0 TRAVEL, OTHER DIRECT COSTS (ODCs):**

Travel and ODCs are anticipated during the performance of BPA Orders issued under this BPA. These costs will be specified and determined at the order level. Travel cost and ODCs incurred will be reimbursed as the actual cost incurred. The contractor shall not exceed the ceiling amounts specified in the order for travel or ODCs, unless authorized in writing by the BPA Order Contracting Officer. All Travel and ODCs shall be approved by the BPA Order COR or other designated Government representative in the applicable order in advance of the cost being accrued or incurred by the Contractor. When invoicing for Travel and ODCs, the contractor shall submit documentation of the actual costs, including lodging and transportation receipts.

- (a) Travel: Travel shall be reimbursed to the extent allowable pursuant to the Federal Travel Regulations (FTR)/Joint Travel Regulations (JTR) rates in accordance with FAR 31.205-46.

- (b) The contractor shall hold travel to the minimum required to meet the objectives of a BPA order by utilizing video conferencing capability to the maximum extent possible.